

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Antonio Maurice Scott, As Personal)
Representative of the Estate of George)
Bynum,)

Civil Action No.: 0:18-cv-1102-RMG-PJG

Plaintiff,)

v.)

Siva Chockalingam, *M.D.*; Associates in)
Gastroenterology, P.A.; Berkeley)
Endoscopy Center, L.L.C., Robert Sharp,)
M.D., Individual and/or Official Capacity)
as Agent, Servant and/or Employee of The)
South Carolina Department of)
Corrections; South Carolina Department)
of Corrections,)

**MOTION FOR SUMMARY JUDGMENT ON
BEHALF OF DEFENDANTS SIVA K.
CHOCKALINGAM, M.D., ASSOCIATES IN
GASTROENTEROLOGY, P.A., AND
BERKELEY ENDOSCOPY CENTER, LLC**

Defendants.)
_____)

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for Defendants Siva K. Chockalingam, MD, Associates in Gastroenterology, PA, and Berkeley Endoscopy Center, LLC, hereby moves for Summary Judgment pursuant to Rule 56, FRCP, on the following grounds:

1. Summary judgment should be granted in regards to Plaintiff's gross negligence/recklessness, medical neglect, and wrongful death causes of action because South Carolina does not follow the "loss of chance" doctrine and, even assuming Dr. Chockalingam deviated from the standard of care, Plaintiff has failed to present any evidence that such deviations proximately caused Decedent's injuries and death as the evidence only supports the inference that Decedent would have had a less than fifty percent chance of survival had his

cancer been diagnosed during either the December 12, 2014 or August 21, 2015 esophagogastroduodenoscopies; and

2. Summary judgment should be granted in regards to Plaintiff's 42 U.S.C. § 1983 cause of action because Plaintiff has failed to present any evidence that Defendants Siva K. Chockalingam, M.D., Associates in Gastroenterology, P.A., and Berkeley Endoscopy Center, LLC, acted with deliberate indifference, in violation of the Eighth and Fourteenth Amendments to the United States Constitution.

The motion is based upon the applicable statutory and case law, upon the pleadings and other documents of record, and upon the Memorandum in Support of Motion for Summary Judgment on Behalf of Defendants Siva K. Chockalingam, M.D., Associates in Gastroenterology, P.A., and Berkeley Endoscopy Center, LLC.

RICHARDSON PLOWDEN & ROBINSON, PA

s/Zachary B. Hayden

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*Attorneys for Defendants Siva Chockalingam, MD, Associates
in Gastroenterology, PA and Berkeley Endoscopy Center, LLC*

April 1, 2019

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., attorneys for Defendants Siva Chockalingam, MD, Associates in Gastroenterology, PA and Berkeley Endoscopy Center, LLC, do hereby certify that I have served the foregoing **Motion for Summary Judgment on Behalf of Defendants Siva Chockalingam, M.D., Associates in Gastroenterology, P.A., and Berkeley Endoscopy Center, L.L.C.** on the below-listed individuals via CM/ECF:

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